

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONGREGATION RABBINICAL COLLEGE OF
TARTIKOV, INC., *et al.*,

Plaintiffs,

-against-

07 Civ. 6304 (KMK) (GAY)

VILLAGE OF POMONA, NY; *et al.*,

Defendants.

DECLARATION OF MICHAEL TAUBER

Michael Tauber, declares as follows, pursuant to 28 U.S.C. § 1746:

1. I am an Officer of The Congregational Rabbinical College of Tartikov, Inc., (“Tartikov”) a Plaintiff in this action. I have been charged with managing the affairs of Tartikov.
2. I make this Declaration in support of Tartikov’s Torah Community, a religious educational institution to train rabbinical judges, planned for Pomona.
3. The Congregational Rabbinical College of Tartikov, Inc. purchased the approximate 100 acre site in the Village of Pomona in August, 2004 for the express purpose of building and operating a religious educational institution, a rabbinical college.

4. Tartikov expected that it could build its rabbinical college, with student housing, when it purchased the property in 2004. I was aware that under State law such uses are permitted. Tartikov did not expect that its educational institution would be subject to an "accreditation" requirement; that its Rabbinical College would not be allowed to have family housing (with housekeeping facilities), or that it would be limited to only 20% of the total square footage limitation for its housing, as these laws were not enacted until 2004 and 2007, after it purchased the property.
5. Tartikov did not think that it would lose access to its Property, as established by the Wetlands Protection Law ("WPL"), enacted in 2007. The current access road to the Property must pass through a narrow gap between wetlands that exist on the west side of the Property, which are in the 100 foot buffer area that was established by the WPL. That road would have to be improved to accommodate the Rabbinical College use. However, the WPL prohibits the development of any roads or driveways in the 100 foot buffer area, if the property is not improved with a single family residence, which the subject Property is not. There is no other practicable access location for the Property.
6. Tartikov is motivated by its religious beliefs to build and operate this Torah Community for the purpose of training rabbis to become full-time rabbinical judges who are fully qualified in the Code of Jewish Law, or *Shulchan Aruch*; which includes the religious experience of having the students live in a Torah

Community with their families allowing them to fully interact and communicate with fellow rabbinical students and learn from trained rabbis.

7. Every student who will attend the Rabbinical College is compelled by his religious beliefs to pursue this study.
8. The rabbinical students will be married with families as our religion teaches that men are to marry at a young age and raise large families.
9. The rabbinical students will be trained and tested by certified rabbinical authorities.
10. Upon completion of the required course of studies, the students will be examined by certified rabbinical authorities for the purpose of receiving a "*semichah*," or certification that the student has achieved the required level of competency in order to "judge" on the various religious issues according to the true intent of the Shulchan Aruch. The Congregation Rabbinical College of Tartikov, Inc. will not grant *semichah* to students.
11. Tartikov is not and cannot be accredited by AARTS. I was personally informed of this by Bernard Fryshman, Executive Vice President of AARTS.

12. AARTS is the only private accrediting agency that I am aware of for the accreditation of rabbinical colleges.
13. I now understand that Tartikov cannot be accredited by the State of New York.
14. I know that there is a great shortage of qualified rabbinical judges who can resolve issues according to the true meaning of our religious laws.
15. The Code of Jewish Law sets out our religious rules of how we are to live our lives and we are to strictly follow these religious laws in our daily lives. I, myself follow these beliefs.
16. Our studies at Rabbinical College of Tartikov will be focused on the *Shulchan Aruch*, which includes four categories of rabbinic law:
- a) The *Orach Chaim* are the laws about daily life, from arising in the morning to retiring to bed: the order of prayers and blessings; laws regarding meals; laws about worshipping in the synagogue; what to do on the Sabbath and holidays;
 - b) The *Yoreh De'ah* are laws about dietary issues ("Kosher"); laws of mourning, laws of family purity, laws about Israel, laws of religious conversion to Judaism.
 - c) The *Even Ha'ezer* are laws of marriage and divorce.
 - d) The *Chosen Mishpat* are laws of finance, civil wrongs; legal procedure and loans and interest in Judaism.

17. To master this study, there are thousands of religious commentaries that must be read and understood in order to be fully knowledgeable in the Code of Jewish Law and to become a qualified rabbinical judge.
18. This intense learning program could take up to 15 years of dedicated religious study.
19. This rabbinical school campus that we propose to build will be what our religious sages have called a “Torah Community” within our religion.
20. This Torah Community is designed to create a living and learning religious campus which includes total dedication to religious obligations of mastering the Code of Jewish Law in order to become a full-time rabbinical judge while at the same time meeting the students’ religious obligations to his family and to worshipping God in the proper way.
21. The Torah Community involves intensive learning interaction, day and night among the students, teachers and lecturers.
22. The Torah Community will also be a place of religious assembly.

23. The Congregation Rabbinical College of Tartikov will provide a large study hall capable of holding all of the full-time rabbinical students together in one room so they can learn in the proper way according to our religion in this Torah Community.
24. The Congregation Rabbinical College of Tartikov will provide libraries that will contain all of the books necessary for the students to learn according to our religion and to become proficient in the Code of Jewish Law in this Torah Community.
25. The Congregation Rabbinical College of Tartikov will provide a room where the students can take their lunches together during the day. This allows us to stay at the school and continue our religious learning without interruption.
26. The Congregation Rabbinical College of Tartikov will provide a *mikveh* for religious bathing.
27. The Congregation Rabbinical College of Tartikov will provide courtrooms so the students can observe the senior judges conduct hearings, which is a very important part of our learning process, as well as perform research for the senior judges.

28. Learning in this way as part of the Torah Community will allow the students to have the opportunity to gain knowledge from the teachers and students by interacting with the teachers and discussing the issues with their fellow students at various times during the day and night, during and outside of lectures, studying and other organized educational activity.
29. Because the students will be a part of the Torah Community, they will be able to have access to teachers and fellow students day and night, in the study halls, courtrooms, *shuls*, or in the living quarters, and this will allow for constant communication and learning opportunities. This religious exercise and communication cannot be accomplished if students lived off campus and were required to commute to the Rabbinical College.
30. The Court has correctly noted that the stated purpose of the Rabbinical College is “to foster the expression of certain ideas among and between faculty members and students.” Daily life at the Rabbinical College will include prayer, multiple *shuls*, and “*shimush*” (internships) in *bais din* courtrooms throughout the campus, which will be used to resolve disputes, where they will learn from experienced rabbinical judges.
31. One part of the religious exercise that is the Torah Community is the provision of housing for the students and their families (at no charge) by Congregation Rabbinical College of Tartikov.

32. The housing will include a separate living facility for each student that will include cooking facilities so he can live together in one unit with his family.
33. Housing no more than a nominal number of student rabbis does not permit Tartikov to operate its Torah Community that is so essential to its religious exercise.
34. The specific needs of a Rabbinical College are minimal in terms of classroom space, as the actual space needed for education programs, which involve a study method called *chavrusa* (pairs of students analyzing, discussing and debating shared texts) are minimal and do not include facilities such as athletic facilities, laboratories, theaters, which are common at secular educational institutions.
35. Student housing as a Rabbinical College, where students will be married with children, also requires greater living space.
36. The Torah Community also involves students living close to each other, allowing the religious learning process to continue even when we are not studying or eating meals together.

37. The Torah Community's living, learning, communicating and worshipping as proposed by the Congregation Rabbinical College of Tartikov is necessary for the exercise of its religious beliefs.
38. I have reviewed Professor Stephen Resnicoff's Declaration regarding our religious beliefs and I agree with his opinions and adopt them for the purpose of my Declaration. They also accurately represent the beliefs and practices of the Congregation Rabbinical College of Tartikov, Inc.
39. I know of no other Torah Community as the one to be built by the Congregation Rabbinical College of Tartikov where it can exercise its religious beliefs.
40. The construction of the proposed Rabbinical College of Tartikov located approximately 10 miles from the New Jersey state line. It would affect interstate commerce because the building and construction will affect interstate commerce; also, once built, the maintenance and operation of the rabbinical college will also affect interstate commerce; and some students attending the rabbinical college will be from out of state.
41. I understand that the process for a zone/text amendment or variance (which the Village has informed us is unavailable for our use) is a long and discretionary process that is highly uncertain as it is subject to approval of various boards and agencies in the Village, such as the Planning Board, Village Attorney, Village

Engineer, Code Enforcement Officer, and other boards and bodies of the Village. I also understand that any proposed zoning amendment does not even have to be considered by the Board of Trustees and if it does consider the amendment, it is subject to the SEQRA process, and any proposal to change the current code would affect all of the land in the village and therefore the impact of this upon all potential parcels would have to be considered. The SEQRA process would require a detailed environmental impacts statement that would be time-consuming and expensive, if the amendment is considered by the Board of Trustees. This entire process is very extensive, expensive and time-consuming. It would also be uncertain in the best of circumstances and even more so given the hostility of Village residents to Tartikov and its use.

42. The Torah Community involves intensive religious educational interaction, day and night among the students, teachers and lecturers.
43. Religious learning in this way as part of the Torah Community will allow the students to associate with their teachers and fellow students and interact with them as part of the religious learning process.
44. Because the students will be a part of the Torah Community, they will be able to have access to teachers and fellow students day and night, in the study halls, courtrooms, *shuls*, or in the living quarters, and this will allow for constant


communication, expression and religious learning opportunities to receive information and ideas.

45. The Torah Community aspect of Tartikov's religious and expression that constitutes the Rabbinical College is inseparable from and necessary for the other aspects of that religious exercise and expression.
46. The Torah Community provided by Tartikov will allow the students to meet their religious obligations to their families by having the opportunity to teach their family the Torah.
47. Tartikov will pursue any fair and impartial regulatory process which is not discriminatory or unduly burdensome under applicable law and ensure that any legitimate land use impacts are mitigated, and will abide by fair and reasonable conditions imposed on the property.
48. Former Plaintiffs Royde and Neuman dropped out of this lawsuit because the ongoing delay prevented them from pursuing their religious studies.
49. A single family home in Pomona would rent for approximately \$2500-\$3000 per month.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Executed on: January 21, 2015

Nanuet, New York



MICHAEL TAUBER